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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
FOX, JAMAL A	

ART UNIT	PAPER NUMBER
2664	4

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/691,991	SCOGGINS ET AL.	
	Examiner	Art Unit	
	Jamal A Fox	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☒ Claim(s) *9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 October 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because the text, reference characters, sheet numbers, and view numbers must be plain and legible. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: In Fig. 3, reference character "Megago/H.248" is not described in the written description. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 9 is objected to because of the following informalities: "call" is misspelled. Claim 9 line 7, after "the", "c", needs to be inserted before "all". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "Call Server A" and "Call Server B", does not reasonably provide enablement for "receiving a command from *the call server* to notify *the call server*". The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to *--make and use--* the invention commensurate in scope with these claims. The specification does not provide enablement for receiving a command from a call server to notify itself of the receipt of one or more operating codes from the endpoint.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being obvious over Gibson et al.

The applied reference has a common *--assignee--* with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Referring to claim 1, Gibson et al. discloses a method of tunneling (tunnels, col. 27 lines 10-15, col. 28 lines 31-35, col. 29 lines 10-15, Fig. 18 and respective portions of the spec.) operating codes (ISUP, IAM, ANM, and SIP++ INVITE messages, col. 27 lines 1-5) received from an endpoint (Fig. 16 Endpoint 11 and col. 26 lines 59-67) in a network (Figs. 15, 16 and 17) to a call server (CS 2000, Figs. 15, 16 and 17), the method comprising the steps of:

receiving a command from the call server (CS 2000, Figs. 15, 16 and 17) to notify the call server (CS 2000, Figs. 15, 16 and 17) of the receipt of one or more operating codes (SIP++ INVITE messages, col. 27 lines 1-5) from the end point (EP, Figs. 15, 16 and 17); confirming the command with the call server (col. 26 lines 52-56); and if and when the operating codes (SIP++ INVITE messages, col. 27 lines 1-5) are received from the endpoint (EP, Figs. 15, 16 and 17), but does not explicitly teach of encapsulating the operating codes within a message and sending the message to the call server. However, a circuit identification code (CIC) is written into the INVITE messages (col. 27 lines 45-55). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included encapsulating the operating codes within a message and sending the message to the call server because in telecommunications, encapsulation is the inclusion of one data structure within another structure so that the first data structure is hidden for the time being as suggested by Gibson et al.

Referring to claim 2, Gibson et al. discloses the method of claim 1 wherein the message is a Megaco/H.248 notify message (connection message 2005, col. 26 lines 57-57 and Figs. 16 and 17 ref. sign 2005).

Referring to claim 3, Gibson et al. disclose a method of tunneling (tunnels, col. 27 lines 10-15, col. 28 lines 31-35, col. 29 lines 10-15, Fig. 18 and respective portions of the spec.) operating codes (ISUP, IAM, ANM, and SIP++ INVITE messages, col. 27 lines 1-5) received from a call server (CS 2000, Figs. 15, 16 and 17) to an endpoint (EP,

Figs. 15, 16 and 17) in a network (Figs. 15, 16 and 17), the method comprising the steps of:

receiving a command from the call server (CS 2000, Figs. 15, 16 and 17), but does not explicitly teach of the command including one or more operating codes encapsulated within; confirming the command with the call server; and de-encapsulating the operating codes within the command and forwarding the operating codes to the endpoint. However Gibson et al. teaches of the IAM containing information about the address of the destination terminal, and the call server replacing this address with the address of the destination endpoint (col. 26 lines 41-49). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the command including one or more operating codes encapsulated within; confirming the command with the call server; and de-encapsulating the operating codes within the command and forwarding the operating codes to the endpoint in order to help set up a bi-directional communication session between telephony terminals as suggested by Gibson et al.

Referring to claim 4, Gibson et al. discloses the method of claim 3 wherein the command is formatted according to Megaco/H.248 protocol (col. 26 lines 57-64 and col. 28 lines 24-26).

8. Claims 5-22 are rejected under 35 U.S.C. 103(a) as being obvious over Denman et al.

Referring to claim 5, Denman et al. discloses a method of receiving operating codes (Fig. 3, ISUP+, SIP+) from an endpoint (Fig. 3, ref. sign 312) in a network (Fig. 3), the method comprising the steps of:

sending a command to a media gateway to send a notification if and when one or more operating codes are received by the media gateway from the endpoint (col. 9 lines 27-38); but does not explicitly teach of receiving a message from the media gateway, the message having the one or more operating codes encapsulated within. However, Denman et al. discloses RTP streams that are encapsulated (col. 15 lines 22-30). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included receiving a message from the media gateway, the message having the one or more operating codes encapsulated within because the termination would encapsulate the media stream as suggested by Denman et al.

Referring to claim 6, Denman et al. discloses the method of claim 5 wherein the message is a Megaco/H.248 notify message (Megaco, col. 9 lines 15-35, col. 11 line 55- col. 12 lines 16, col. 15 line 6-67 and col. 16 lines 6-54).

Referring to claim 7, Denman et al. discloses a method of sending operating codes (Fig. 3, ISUP+, SIP+) to an endpoint (Fig. 3, ref. sign 312) in a network (Fig. 3), the method comprising the steps of:

sending the command to a media gateway to be forwarded to

the endpoint so that the operating codes are tunneled to the endpoint (col. 9 lines 27-38), but does not explicitly teach of encapsulating one or more operating codes

within a command. However, Denman et al. discloses RTP streams that are encapsulated (col. 15 lines 22-30). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included encapsulating one or more operating codes within a command because the termination would encapsulate the media stream as suggested by Denman et al.

Referring to claim 8, Denman et al. discloses the method of claim 7 wherein the command is formatted according toMegaco/H.248 protocol (Megaco, col. 9 lines 15-35, col. 11 line 55- col. 12 lines 16, col. 15 line 6-67 and col. 16 lines 6-54) and a confirmation of the command is received from the media gateway.

Referring to claim 9, as stated above, Denman et al. discloses a method and for enabling a media gateway to tunnel operating codes between a call server and an endpoint in a network, the computer program product having a media with a computer program embodied thereon, the computer program comprising:

instructions for receiving commands from the call server, at least some commands including one or more operating codes from the all server encapsulated within; instructions for de-encapsulating the operating codes from the call server; instructions for confirming commands with the call server; and instructions for encapsulating one or more operating codes from the endpoint within a message and sending the message to the call server. Denman et al. does not explicitly teach of a computer program product for enabling a media gateway to tunnel operating codes between a call server and an endpoint in a network, the

computer program product having a media with a computer program embodied thereon, the computer program comprising:

instructions for receiving commands from the call server, at least some commands including one or more operating codes from the all server encapsulated within; instructions for de-encapsulating the operating codes from the call server; instructions for confirming commands with the call server; and instructions for encapsulating one or more operating codes from the endpoint within a message and sending the message to the call server. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a computer program product because Media Content Servers are disclosed in (Fig. 2, ref. sign 222). Media Content Servers include announcement servers, conferencing servers, and tone generation servers. Such servers may be standalone and/or collocated with the WAG and PTMG. They include programs that were loaded onto the servers via media.

Referring to claim 10, Denman et al. discloses the computer program product of claim 9 wherein the commands and the message are formatted according to Megaco/H.248 protocol (Megaco, col. 9 lines 15-35, col. 11 line 55- col. 12 lines 16, col. 15 line 6-67 and col. 16 lines 6-54).

Referring to claim 11, Denman et al. discloses a method for enabling a call server to exchange operating codes with an endpoint at a media gateway, the computer program product having a media with a computer program embodied thereon, the computer program comprising:

instructions for encapsulating one or more operating codes from the call server within a command and sending the command to the media gateway to be forwarded to the endpoint; and instructions for receiving a message from the media gateway, the message having one or more operating codes from the endpoint encapsulated within. Denman et al. does not explicitly teach of a computer program product for enabling a call server to exchange operating codes with an endpoint at a media gateway, the computer program product having a media with a computer program embodied thereon, the computer program comprising:

instructions for encapsulating one or more operating codes from the call server within a command and sending the command to the media gateway to be forwarded to the endpoint; and instructions for receiving a message from the media gateway, the message having one or more operating codes from the endpoint encapsulated within. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a computer program product because Media Content Servers are disclosed in (Fig. 2, ref. sign 222). Media Content Servers include announcement servers, conferencing servers, and tone generation servers. Such servers may be standalone and/or collocated with the WAG and PTMG. They include programs that were loaded onto the servers via media.

Referring to claim 12, Denman et al. discloses the computer program product of claim 11 wherein the command and the message are formatted according to Megaco/H.248 protocol (Megaco, col. 9 lines 15-35, col. 11 line 55- col. 12 lines 16, col. 15 line 6-67 and col. 16 lines 6-54).

Referring to claim 13, Denman et al. discloses an apparatus for tunneling operating codes (Fig. 3, ISUP+, SIP+) between a call server (Fig. 3 ref. sign 314) and a network endpoint (Fig. 3, ref. sign 312), the apparatus comprising:

means for receiving commands from the call server (Fig. 3 ref. sign 314), but does not explicitly teach of at least some commands including one or more operating codes from the call server encapsulated within;

means for de-encapsulating the operating codes from the call server; means for confirming commands with the call server; and means for encapsulating one or more operating codes from the endpoint within a message and sending the message to the call server. However, Denman et al. discloses RTP streams that are encapsulated (col. 15 lines 22-30). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included at least some commands including one or more operating codes from the call server encapsulated within; means for de-encapsulating the operating codes from the call server; means for confirming commands with the call server; and means for encapsulating one or more operating codes from the endpoint within a message and sending the message to the call server because the termination would encapsulate the media stream as suggested by Denman et al.

Referring to claim 14, Denman et al. discloses an apparatus for controlling an endpoint device (Fig. 3, TP) connected to a media gateway (Fig. 3, WMS and col. 7 lines 24-27) by exchanging operating codes (Fig. 3, ISUP+, SIP+, H.225, H.248 and RTP) with the device, but does not explicitly teach of the apparatus comprising:

means for encapsulating one or more operating codes from the apparatus within a command and sending the command to the media gateway to be forwarded to the device; and

means for receiving a message from the media gateway, the message having one or more operating codes from the device encapsulated within. However, Denman et al. discloses RTP streams that are encapsulated (col. 15 lines 22-30). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the apparatus comprising:

means for encapsulating one or more operating codes from the apparatus within a command and sending the command to the media gateway to be forwarded to the device; and means for receiving a message from the media gateway, the message having one or more operating codes from the device encapsulated within because the termination would encapsulate the media stream as suggested by Denman et al.

Referring to claim 15, Denman et al. discloses a media gateway comprising:

a switching fabric (Fig. 3, RAN); one or more network interfaces (Fig. 3, A – Interface) connected to the switching fabric; and a computing module (Fig. 3, WAG) connected to the switching fabric for controlling the switching fabric, but does not explicitly teach to de-encapsulate operating codes from the call server to tunnel the operating codes from the call server to an endpoint, and encapsulate one or more operating codes from the endpoint to tunnel the operating codes from the endpoint to the call server. However, Denman et al. discloses RTP streams that are encapsulated

(col. 15 lines 22-30). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included to de-encapsulate operating codes from the call server to tunnel the operating codes from the call server to an endpoint, and encapsulate one or more operating codes from the endpoint to tunnel the operating codes from the endpoint to the call server because the termination would encapsulate the media stream as suggested by Denman et al.

Referring to claim 16, Denman et al. discloses the media gateway of claim 15 wherein the command and the message are formatted according to Megaco/H.248 protocol (Megaco, col. 9 lines 15-35, col. 11 line 55- col. 12 lines 16, col. 15 line 6-67 and col. 16 lines 6-54).

Referring to claim 17, Denman et al. discloses a programmed computer system (Fig. 3) having connections for at least one media gateway (Fig. 3, PTMG), the programmed computer system, but does not explicitly teach of including a computer program comprising:

computer program code for encapsulating one or more operating codes from the computer system within a command and sending the command to the media gateway to be forwarded to a network endpoint; and computer program code for receiving a message from the media gateway, the message having one or more operating codes from the endpoint encapsulated within. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a computer program comprising:

computer program code for encapsulating one or more operating codes from the computer system within a command and sending the command to the media gateway to be forwarded to a network endpoint; and computer program code for receiving a message from the media gateway, the message having one or more operating codes from the endpoint encapsulated within because Media Content Servers are disclosed in (Fig. 2, ref. sign 222). Media Content Servers include announcement servers, conferencing servers, and tone generation servers. Such servers may be standalone and/or collocated with the WAG and PTMG. They include programs that were loaded onto the servers via media.

Referring to claim 18, Denman et al. discloses the computer system of claim 17 wherein the command and the message are formatted according to Megaco/H.248 protocol (Megaco, col. 9 lines 15-35, col. 11 line 55- col. 12 lines 16, col. 15 line 6-67 and col. 16 lines 6-54).

Referring to claim 19, Denman et al. discloses a system for controlling a device connected to an endpoint (Fig. 3, TP) at a media gateway (Fig. 3, PTMG) by exchanging operating codes (Fig. 3, ISUP+, SIP+, H.225, H.248 and RTP) with the endpoint (Fig. 3, TP), the system comprising:

a call server (Fig. 3, CS) operable to send operating codes (Fig. 3, ISUP+, SIP+, H.225, H.248 and RTP), but does not explicitly teach of to the endpoint encapsulated in commands and to receive operating codes from the endpoint encapsulated in messages; and a media gateway connected to the call server operable to tunnel operating codes from the call server to the device and from the device to the

call server. However, Denman et al. discloses RTP streams that are encapsulated (col. 15 lines 22-30). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included sending the operating codes to the endpoint encapsulated in commands and to receive operating codes from the endpoint encapsulated in messages; and a media gateway connected to the call server operable to tunnel operating codes from the call server to the device and from the device to the call server because the termination would encapsulate the media stream as suggested by Denman et al.

Referring to claim 20, Denman et al. discloses the system of claim 19 wherein the commands and the messages are formatted according to Megaco/H.248 protocol (Megaco, col. 9 lines 15-35, col. 11 line 55- col. 12 lines 16, col. 15 line 6-67 and col. 16 lines 6-54).

Referring to claim 21, Denman et al. discloses the system of claim 19 wherein the call server (Fig. 2, CS) further comprises a service control module (Fig. 2, SSG 226 and col. 6 lines 30-36) and a media gateway controller (Fig. 2, WMS and col. 7 lines 24-27).

Referring to claim 22, Denman et al. discloses the system of claim 20 wherein the call server (Fig. 2, CS) further comprises a service control module (Fig. 2, SSG 226 and col. 6 lines 30-36) and a media gateway controller (Fig. 2, WMS and col. 7 lines 24-27).

Conclusion

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J.A.F.

Jamal A. Fox

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